

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

TOM HIGGINS, individually and on
behalf of the settlement class,

Plaintiff,

v.

TV GUIDE MAGAZINE, LLC, a
Delaware limited liability company,

Defendant.

Case No.: 2:15-cv-13769

Hon. Stephen J. Murphy, III

Mag. Mona K. Majzoub

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO
FILE ENLARGED BRIEF IN SUPPORT OF MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff Tom Higgins ("Plaintiff") hereby moves the Court for leave to file an enlarged brief, not to exceed thirty-four (34) pages, in support of his forthcoming Motion for and Brief in Support of Final Approval of Class Action Settlement. In support of this unopposed motion, Plaintiff states as follows:

1. As set forth in Plaintiff's forthcoming Motion for and Brief in Support of Final Approval of Class Action Settlement, due December 5, 2018, Plaintiff seeks final approval of the parties' class-wide settlement, which, if approved, will fully and finally resolve all claims against Defendant related to the Michigan Preservation of Personal Privacy Act, M.C.L. § 445.1711-15.

2. Plaintiff has made his greatest effort to keep his final approval brief as

succinct as possible.

3. However, Plaintiff believes in good faith that the filing of a brief in excess of the Court's twenty-five (25) page limit is necessary to fully and effectively (i) address the factual and procedural posture of the case, (ii) set out the terms of the proposed Settlement, (iii) discuss that the implemented notice plan comports with Due Process and Federal Rule of Civil Procedure 23(c), and (iv) explain why the Settlement warrants final approval under the factors provided in Federal Rule of Civil Procedure 23(e)(2). Fed. R. Civ. P. 23(e)(2) (eff. Dec. 1, 2018). *See* E.D. Mich. LR 7.1(d)(3)(A). Plaintiff is confident that he can fully and effectively present his final approval brief in thirty-four (34) pages or less.

4. Class Counsel conferred with counsel for Defendant on December 3, 2018. Defendant does not oppose Plaintiff's request to file an enlarged brief.

WHEREAS, Plaintiff Tom Higgins respectfully requests that the Court enter an Order granting him leave to file an enlarged brief, not to exceed thirty-four (34) pages of substance, in support of his forthcoming Motion for Final Approval of Class Action Settlement.

Respectfully submitted,

Dated: December 3, 2018

TOM HIGGINS, individually and on behalf of settlement class

By: /s/ Ari J. Scharg

One of Plaintiff's attorneys

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Settlement Class Counsel

CERTIFICATE OF SERVICE

I, Ari J. Scharg, an attorney, hereby certify that on December 3, 2018, I served the above and foregoing ***Plaintiff's Unopposed Motion for Leave to File Enlarged Brief in Support of Motion for Final Approval of Class Action Settlement*** on all counsel of record by filing it electronically with the Clerk of the Court using the CM/ECF filing system.

/s/ Ari J. Scharg